

REMARKS

Claims 1-15 are pending in the application.

Claims 1-15 stand rejected.

Claims 7 and 8 have been amended.

Claims 1-6 and 15 have been cancelled.

Claim 16 has been added.

Drawings

Applicant thanks the Examiner for the Examiner's diligent review of the drawings. It is stated in the Office Action that the configurable communication link, the hardware devices coupled to the communication link, and the software programs coupled to the hardware devices are not shown in the drawings. Applicant respectfully disagrees.

Applicant respectfully submits that these elements, or more correctly, examples of these elements, are indeed depicted in the drawings. Examples of a configurable communication link include connections over the internet (internet 108). Examples of a hardware device coupled to the communication link include the various servers depicted in Fig. 1 (including configuration/access server 103 and infrastructure server 104) and the hardware supporting web-based visual interface 102, among other hardware devices discussed in the application. As can be seen, these hardware devices are variously coupled to the examples of communications links just described. As to the software programs, Applicant respectfully notes that examples of such software programs include web-based visual interface 102 and the inventory of resources 105 (which include computing resources, that include software (e.g., "USER1 creates a computing

resource such as an x86 machine running Linux operating system”, Specification p. 8, lines 2-3; “USER1 may configure or add as many machines, and operating systems and software as desired”, Specification p. 8, lines 5-6).

Moreover, Applicant respectfully notes that such is made clear at a variety of points within the present application. For example, at p. 8, lines 2-3 and 5-6, as noted above, and at p. 7, lines 7-9, where it is stated that:

“The specific hardware and interconnections of Fig. 1 are but one example of an architecture for providing allocable resources.”

Another example is provided at p. 11, lines 4-8, where it is stated that:

“Based on the selection made by the user, the configuration server 103 allocates a computer with the requested operating system and other application software. In another embodiment the user will be allowed to specify constraints on the hardware such as the size of the hard disk. In a further embodiment, the configurations listed will include computing devices like hand-held devices, cell-phones, point-of-sale terminals and others.”

Thus, as can be seen, the elements depicted in Fig. 1 are in fact hardware-based systems, as discussed in the specification. These hardware devices are coupled to one another by a configurable communication link, and are able to execute software.

Thus, Applicants respectfully submit that the features mentioned above are adequately enabled by the teachings of the application as filed in that one reasonably skilled in the art could make or use the invention from the disclosures in the application coupled with information known in the art without undue experimentation. See MPEP § 2164.01 *Test of Enablement*.

Because the claims are adequately enabled by the application as filed, Applicants submit that the drawings of the Application meet the requirements of 35 U.S.C. § 113. See MPEP § 608.02. The application includes at least one drawing and therefore meets the requirements of the first sentence of 35 U.S.C. § 113. Consequently, any rejections of the drawings being inadequate should fall under the second sentence of 35 U.S.C. § 113. Applicants respectfully assert that further illustrations required by the Examiner should be done prior to examination in a separate letter. Applicants, however, respectfully maintain that no such amendment is necessary, as the requisite elements are shown in Fig. 1.

Double Patenting

Claim 1-6 were provisionally rejected, under the judicially-created doctrine of double patenting, over claims 1 and 5-7 of copending Application No. 09/663,252, in the previous Office Action. That Office Action noted that the rejection was a provisional double patenting rejection since the conflicting claims have not yet been patented. Applicant has now cancelled claim 1-6, and so respectfully submits that the rejection is now moot.

Allowable Subject Matter

Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in the Office action and to include all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this indication of allowability. Claim 16 includes all of the limitations of the base claim (claim 15) and any intervening claims, and is rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in the Office action. Claim 16 is therefore believed to be allowable.

Rejection of Claims under 35 U.S.C. §112

Claims 7-15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 7 to address the Examiner's concerns. Claim 16 has been likewise amended. Applicant respectfully submits that the rejection of claims 7-15 under 35 U.S.C. §112, second paragraph, are overcome thereby. New claim 16 is believed to be allowable in this regard, for at least this reason.

Rejection of Claims under 35 U.S.C. §102

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by McNally et al., U.S. Patent No. 6,259,448 (McNally). Applicant respectfully notes that claims 1-3 have been cancelled, and so this ground of rejection is now believed to be moot.

Rejection of Claims under 35 U.S.C. § 103

Claims 4-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McNally et al., U.S. Patent No. 6,259,448 (McNally). Applicant respectfully disagrees.

With regard to claims 4-6, Applicant respectfully notes that claims 1-3 have been cancelled, and so this ground of rejection is now believed to be moot.

With regard to claims 7-14, Applicant respectfully submits that these claims are now in condition for allowance. Applicant has amended claim 7 to include the limitations of claim 15, as well as certain of the limitations of claim 8. Applicant respectfully submits that these limitations distinguish over McNally, taken alone or in light of skill in the art.

Applicant therefore respectfully submits that claim 7 is in condition for allowance. Applicant further respectfully submits that claims 8-14, which depend from claim 7, are also in condition for allowance, for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 10, 2004.

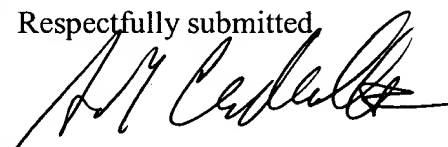


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Date of Signature

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